

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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DESMOND WITHERSPOON,

Plaintiff,

v.

JAMTIME STUDIOS, INC.,

Defendant.

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**Civil Action No. 14-5641 (SRC)**

**OPINION**

**CHESLER, District Judge**

This matter comes before the Court on the application filed by Plaintiff Desmond Witherspoon (“Plaintiff” or “Witherspoon”) to proceed in forma pauperis without prepayment of fees, pursuant to 28 U.S.C. § 1915. Based on Plaintiff’s affidavit of indigence, the Court finds that Plaintiff qualifies for in forma pauperis status pursuant to 28 U.S.C. § 1915 and will direct that the Complaint be filed. However, for the reasons set forth below, the Complaint must be dismissed.

The Court has an independent obligation to satisfy itself of subject matter jurisdiction over an action. Liberty Mut. Ins. Co. v. Ward Trucking Corp., 48 F.3d 742, 750 (3d Cir. 1995). In keeping with that obligation, the Court has reviewed Witherspoon’s Complaint. Witherspoon has filed this action seeking a total of \$885,000 in unpaid wages from Defendant Jamtime Studios. Other than identifying the Defendant as a “recording studio based out of Florida,” the Complaint contains no information regarding the citizenship of the parties. Nor does it appear from the Complaint that a federal question is stated. Based on such insufficient information, the Court cannot satisfy itself that it has subject matter jurisdiction over this action, pursuant to

either 28 U.S.C. § 1331 or 28 U.S.C. § 1332(a). Accordingly, it must dismiss this action pursuant to Federal Rule of Civil Procedure 12(h)(3).

An appropriate Order will be filed.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge

Dated: September 17, 2014